IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 125 OF 2007
WITH
CIVIL APPLICATION NO. 1043 OF 2007
IN
S.A. NO. 125/2007

Shri Rajaram Yashwant Asolkar & Ors. .. Appellants.

V/s.

Shri Dadasaheb Arjuna Magdum .. Respondents.
since deceased by LRs:
1. Vasant Dhondo Magdum & Ors.

Mr.Anilkumar Patil for the Appellants.

Mr.Bhushan A. Walimbe for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 21st AUGUST, 2007.

P.C. :-

. The only question raised by the learned counsel for the appellants is that the trial court could not have passed a decree for 38 Ares when the plaintiff No.1 has himself stated in his deposition that he is entitled to a decree of 29 Ares. The learned counsel for the respondents submits that the plaintiff No.1 had admitted the share of 29 Ares but the decree for 38 Ares was passed after taking into account the share of the plaintiff No.2. Thus it appears that there is no error

in passing of the decree. It was contended that the second plaintiff had died during the suit but the suit could have continued on behalf of the 1st plaintiff. The appeal does not raise any substantial question of law. It is hereby dismissed. As a result, the civil application does not survive.

(S.A.BOBDE,J.)

.....